

Application of LSC Recommendations for PAI Programs to LASSD PAI Program
December 2007

In LSC's Program Letter 07-2, dated December 20, 2007, LSC made recommendations on how to involve the legal community in order to effectively run a PAI program and how to assist as many low-income individuals as possible.

Based on that letter, I have detailed below the myriad of ways the LASSD PAI Program is successful in the four categories LSC has created, as well as detailed in each category the totality of the services the LASSD PAI program (hereinafter "the Program") offers.

A. USING LARGE LAW FIRMS, CORPORATE, AND GOVERNMENT ATTORNEYS

1. Develop Sustained Relationships

As the corporate culture of law firms moves towards enhanced pro bono opportunities, firms have begun to designate a pro bono coordinator to act as the liaison with legal service organizations in order to facilitate pro bono work. The Program has been fortunate in making contact with a majority of the larger law firms in San Diego and their volunteer coordinators over the years. Each year, the Program will meet with the larger law firms and their pro bono coordinators as well as attorneys at the firms interested in volunteering, and educate them on the various projects the Program offers and ways they might get involved.

Further, these large firm pro bono representatives work as the point of contact, so when a new case or program might be available, an email or phone call will be made directly to that individual so the information can be disseminated firm wide. It has greatly increased the efficiency in having individual client cases referred over the years. Large law firms are a wonderful source of assistance with some of the more complex litigation cases. For example, Sheppard Mullin Richter & Hampton LLP took on a complex litigation case wherein during the large revitalization of the East Village in San Diego County, slumlords were taking over warehouses and converting them to illegal rental units. One such location had low-income tenants piled into small quarters with bunk beds shared amongst each other. Further, there was no functioning shower and the landlord had instructed the tenants to use the garden hose in the alley. The "kitchen" was merely a microwave placed on a broken shelf in a long, narrow hallway. The doors did not properly lock and rodents had run rampant through the building and eaten through most of the clothing/supplies the tenants kept on the premises. Sheppard Mullin was able to file a lawsuit on behalf of the tenants and ultimately recoup many of the tenant's costs and rent for the illegal rental unit.

The Program hopes to continue its ability to refer the more complex litigation cases to large law firms that have the resources to assist the clients in a different way than the Program might be able to provide on its own.

A creative way the larger law firms develop a sustained relationship with the Program is by sponsoring an Equal Justice Fellow. This fellowship is a prestigious, nationally recognized award that is given to a few, talented law school graduates who create innovative projects, which are housed at legal service providers throughout the country. The Program currently has an EJW Fellow who specializes in transitional aged youth and their special education needs. Latham & Watkins is the current sponsor and not only provides some monetary support, but also helps bolster the project by "adopting" it for the course of the project (two years) and commits to provide volunteers to help the Fellow assist clients, as well as act as a mentor to him or her.

In the coming year, the Program hopes to create a round table discussion on a yearly basis of the Program Manager and the pro bono representatives from the larger law firms in order to ensure both parties are working well together and that client's needs are being met and relevant volunteer opportunities are being offered to the firms.

Further, the Program has developed a partnership with the Association of Corporate Counsel in San Diego (ACCA). Based on ACCA's experience, it is able to assist low-income clients who seek to create non profit organizations in the San Diego community that focus on addressing the needs and issues that fall under the LASSD legal priorities. The LASSD PAI Program is able to directly refer those types of transactional cases to experienced ACCA members. This collaboration has helped LASSD be able to help more low-income clients in a variety of ways, other than with contentious litigation cases.

Finally, government attorneys have taken an innovative approach in helping the LASSD PAI Program and its clients in order to sustain its relationship. Due to conflict of interest issues, it can be difficult for government attorneys to partake in individual case representation. However, those attorneys have made a concerted effort to conduct community outreach events. These events take place on a monthly basis in affiliation with various minority bar associations (Pan Asian Lawyers, Filipino Lawyers Association, Earl B Gilliam Association and La Raza Lawyers Association). At the event, an attorney will speak on a pertinent legal topic at a local community center or library. The topics can include: family law, housing law, consumer law, education, etc. These events are free to the public and are catered to the low-income communities and are molded to fit their particular issues.

2. Look Beyond Geographical Boundaries

The LASSD PAI Program has been able to utilize law firms and state-wide and national organizations to assist in its delivery of legal services. In both 2003 and 2007, the San Diego area was devastated by wildfires. At both of those times, the Program took a lead in the community along with the local bar in assisting fire victims with their legal issues. At times, on-site legal clinics were set up at Red Cross and FEMA locations. Additionally, long-term, individual case representation was needed and oftentimes firms in the area did not have the expertise to deal with some of the federal issues that arose. Consequently, the Program was able to tap into the resources of larger firms in New York and L.A. that had handled large disasters and the related litigation, in order to find attorneys willing to help the fire victims.

The Program is now working with other organizations on a national level to discuss disaster legal services, in conjunction with LSC, in order to continue to be effective if and when the next disaster strikes in order to continue to provide quality legal services for the low-income residents of San Diego.

3. Provide Training, Research and Technical Assistance

The Program has made a commitment to provide training, research and technical assistance to its volunteers in order to increase its collaborations in the community as well as to provide quality attorneys for its clients.

Currently, the Program conducts numerous MCLE (continuing education) trainings throughout the year, without cost, to attorneys in the community. These trainings pertain to legal issues the clients of LASSD deal with on a daily basis. Many of the trainings involve housing law, domestic violence, mediation and consumer law trainings. Attorneys who attend the event receive free MCLE credit; while at the same time commit to assist one or two clients per year with a certain legal issue on which they receive training. Not only does this help bolster the Program's relationship with the attorneys in the community, but it helps the clients by increasing the number and expertise of attorneys available to assist them.

The Program also offers mentors to new attorneys who have the desire to take on individual case representation, but may not have the skills or expertise. Many large law firms have the expertise but may not have the time to delve into a complicated case. Consequently, a new attorney can do much of the work, but feel confident in what they're doing because each step is monitored and discussed with an attorney/mentor at a larger law firm who oversees the case.

Many large firms also have non-attorney staff who want to get involved. Due to the large number of bilingual clients LASSD assists, oftentimes the paralegals and secretaries at the large law firms are able to help with translating and interpreting.

4. Develop Signature Projects

The Program has been fortunate in that it has worked with some of the larger law firms, minority bars and government attorneys in creating signature projects over the years.

First, as noted previously, on a bi-annual basis a large law firm will sponsor an Equal Justice Fellow who will create a "one of a kind" project in the community (this year, special education for transitional aged youth) and utilize the attorneys from that law firm to assist the clients and Fellow with the specialized legal issue.

Second, a signature project created by a large law firm in conjunction with the Program is the "adopt a school" program. Last year, Gordon & Rees adopted a local, inner-city school and helped teach the elementary school children how to use mediation techniques on the playground in order to decrease violence at the schools. It was a great way for attorneys to assist the low-income community members, yet created a unique opportunity that wasn't tied to a specific case. A Program attorney would coordinate the training, and enlist members of Gordon & Rees to be present for each day of training to assist in the role plays and group discussions that were vital to the trainings. Further, the firm attempted to enlist the assistance of more minority attorneys, in order to demonstrate to the youth the various professions minorities can have who are from their community.

Third, another law firm has recently taken on the role of acting as a mentor to the Program manager, who is handling individual non profit incorporations as part of her case representation. Again, this is a wonderful way for a large firm to get involved, without feeling overwhelmed with individual case representation, while at the same time utilizing its expertise in providing mentorship.

The Program has increased its number of collaborations over the years in creating unique, signature projects. Many of the large firms and government attorneys are members of various minority bar associations (as discussed above). These minority bars have worked with the Program in creating unique Neighborhood Law Schools, where attorneys volunteer their time to instruct community members on various areas of law. For example, an attorney will give a three part instruction on how to clean up your credit, or how to file for divorce, or how to represent yourself in an unlawful detainer hearing. These classes are essentially mini-law school classes that are catered to the low-income LASSD clientele. It helps empower the community and is done so by effectively using these collaborations to increase the numbers of those helped.

5. Pursue Transactional Work

As described above, the Program has a strong working relationship with ACCA, wherein the organization helps low-income individuals with incorporating a non

profit. Further, the Program has created an economic development component that works specifically on bankruptcy and tax law related cases. As most of this work is transactional in nature, many more corporate attorneys and ACCA members find the work interesting and relevant to their skill set.

6. Collaborate and Co-Counsel

One of the areas the Program is strong, is its collaboration with other organizations in the community. Currently, the Program collaborates with the four minority bars, the San Diego County Superior Court, St. Vincent's De Paul, Legal Aid Orange County, and the various law schools in the community. The Program feels that the more community ties and partnerships it maintains, the better the legal work and continuity it can obtain for its low-income clients. As San Diego is a smaller legal community, it is important that legal service providers and social service agencies, along with the local government work together to effectively represent these low-income community members and meet their legal needs.

One example of its collaboration is the Homeless clinic the Program created. This clinic is on-site a couple days a week at St. Vincent's DePaul, one of the largest providers of services to the homeless in San Diego. This civil legal clinic assists homeless clients with their legal issues and provides either community education or case representation. This clinic is important in that it helps the homeless immediately with their situation, rather than requiring numerous visits and disruptions in the client's lives in trying to resolve their legal issue. This is a strong collaboration that helps the lives of hundreds of homeless.

Another example of a strong collaboration is the partnership with the minority bar associations in San Diego. With this partnership, the Program is easily able to contact the entire bar presidents to discuss more effective ways of assisting its clients and create new and innovate projects that address the legal needs of clients. This year, a long-time member of the Pan Asian Lawyers Association created a mortgage foreclosure clinic that helped address the needs of low-income clients during the foreclosure process. Due to the collaboration with the Program, these clinics were able to involve dozens of attorney volunteers to provide free legal advice to the clients.

7. Involve Government Attorneys

This was addressed previously; however, many of our government attorneys are involved in our peer mediation training program, as well as our Neighborhood Law School and Community Outreach components as described above.

B. USING SMALL FIRMS, SOLO OPRACTITIONERS, AND JUDICARE ATTORNEYS

1. Provide Support for Practitioners

The Program has an extensive support system for its attorneys. Besides providing fully covered malpractice insurance, it also has access to Westlaw and Lexis research accounts and has numerous legal training manuals on-site that attorneys can use. Further, as discussed previously, the Program provides many free, MCLE trainings throughout the year in order to bolster the attorney's expertise in a given area of law. Because of the depth of volunteers the LASSD PAI Program has, solo practitioners can easily rely on a mentor, including a large firm, to help with the costs and complications that can arise in a case.

2. Provide Screening of Cases

Many solo practitioners and small firms are essential in assisting with the screening of cases in certain situations. Due to the recent wildfires experienced in San Diego and the immediate need for legal assistance by fire victims, attorneys were able to staff a hotline for victims, wherein they would be screened for eligibility and to ensure the legal issue was clear and concise, before referring on for representation.

Additionally, small firm and solo practitioners are helpful in screening cases at the Court legal clinics the Program operates. At three of the four courthouses in San Diego County, the Program has legal clinics that are open throughout the work week, to assist pro pers with completing relevant court documents in unlawful detainer, domestic violence, conservatorship and civil restraining order cases. These clinics are successful due to the assistance of small firms and solo practitioners who seek to hone their skills working with clients, while at the same time help the Program staff in screening the pro pers.

3. Encourage Recruitment Incentives

As discussed previously, the Program provides numerous free MCLE trainings throughout the year for attorneys; along with a large annual award luncheon wherein volunteers are recognized for the work they do over the year.

Additionally, there are numerous national, local and statewide awards that the Program regularly nominates its attorney volunteers for, in order for them to receive recognition beyond the confines of San Diego.

Further, many of the large law firms in San Diego have begun to allow up to 100 hours a year of pro bono work to be counted toward billable hours. This provides further incentive for attorneys to work with the Program and its clients.

4. Use of Retired and Inactive Attorneys

Recently, the Program has increased the number of retired attorneys who are actively involved in working with the Program. The California State Bar is generous in allowing retired attorneys to forego the annual fee payment as well as the MCLE requirement. This provides an additional incentive for retired attorneys, with their years of experience, to continue working while providing a much needed service for our clients.

Specifically, retired attorneys with the Program work on individual case representation, and especially enjoy working at the Homeless clinic. The attorneys enjoy providing the one-on-one service the clinic offers and due to their numerous years of experience, are able to adequately resolve most issues presented to them at the clinic. One of the Program's retired attorneys has over 30 years experience in family law cases and is located in an area of San Diego that is in need of volunteer attorneys in family law cases. It is a perfect match for our clients and the retired attorney.

C. INVOLVING LAW SCHOOLS AND LAW STUDENTS

The Program has a strong relationship with the local law schools and its students. Due to the diverse projects the Program offers, hundreds of law students have volunteered to gain valuable training while at the same time assisting numerous low-income clients.

1. Involve Legal Clinics

The Program has an extremely large Court legal clinic project that operates dozens of clinics every week throughout San Diego County. These legal clinics can oftentimes provide law students with in-depth legal experience by providing them with training pertaining to a specific area of law, but also allows the students to meet one-on-one with clients and assist with completing court documents. These clinics have become so popular, that over the years summer interns come from the East Coast and Midwest to take part in this project.

2. Instill Support for the Future

The three large law schools in San Diego have taken a strong standing on their commitment to providing pro bono work. Most of the schools offer a pro bono honors program which celebrates a student's pro bono involvement of 50 hours or more per year. These students are encouraged to go out into the community and work with legal service providers like LASSD in order to assist its clients. As many of the law students stay in the community upon graduation, not only do they receive valuable experience to help them personally, but it instills in them the need and desire to volunteer and it helps them get to know on a personal level the staff at LASSD, which will hopefully stay with them for years to come.

Further, the Program partakes in large pro bono fairs at the law schools and even conducts seminars pertaining to pro bono work. Recently, a new partnership was created between California Western School of Law and the Program in creating a Girl's Rehabilitation Facility mediation program. This mediation program mediates disputes between female youth who are temporarily incarcerated and undergoing rehabilitation courses. Students from the law school receive a semester long training as part of their elective courses in mediation from a California Western professor, and then can use those skills in conducting mediations with fellow students and other attorneys and judges in the community at the Girl's Rehabilitation Facility which is coordinated by the Program. This is a great way to provide law students with pro bono experience while also tying them into the legal community and creating networking opportunities with other attorneys and judges.

3. Develop Research and Training Resources

Over the years, many law students who have worked with the Program have been vital in creating manuals for the LASSD clients. Oftentimes, the LASSD and Program staff simply do not have enough time or expertise in creating in-depth manuals on various legal issues for its clients. These manuals help educate the clients on various legal matters, including: driver's license revocation, debt collection practices and presenting a case in court. It provides the students with a project that will impact clients for years to come and affect the lives of hundreds of people. Further, it helps educate the students on a specific area of law that they might not have otherwise learned.

Law students are also helpful in creating MCLE trainings and taking part in those presentations. The law students help create the material packets and also attend the event, so they can gain the benefit of learning a certain area of law, as well as meet the other attorney attendees.

4. Collaborate and Partner

Some of the collaborations the Program has with local law schools are mentioned above. However, the Program has taken it one step further. Oftentimes, large law firms have interns they have hired for the summer or semester. These law firms want to encourage pro bono, as well as given the students a more well-rounded experience. Consequently, the large law firms, law schools and the Program have worked together to use the intern's time to work at the court clinics or work on a specific project in order to provide them with more valuable experience, while at the same time helping hundreds of low-income individuals with their legal issues. It provides invaluable experience for the students and assists the law firms and law schools in furthering the student's education.

D. INVOLVING THE JUDICIARY, BAR ASSOCIATIONS, ACCESS TO JUSTICE COMMISSIONS, COMMUNITY ORGANIZATIONS AND OTHERS

1. Obtain the Support of the Judiciary

The Program has been very fortunate in receiving an overwhelming amount of support from the local Judiciary. At the annual volunteer recognition luncheon, a few members of the judiciary attend and speak to the attendees about the importance of pro bono work and encourage participation. Further, without the support and determination of the judiciary, many of the current court legal clinics would not be in existence. The judiciary has taken a forward-thinking approach to assisting low-income community members, and saw the need for pro per assistance in the courts and knew that LASSD was a leader in the community in dealing with civil legal issues. With this close collaboration with the Judiciary, the Program was able to set up legal clinics in the courthouses in order to more effectively assist pro pers with their civil legal needs.

2. Encourage Bar Association Participation

The local San Diego County Bar has been a strong supporter of pro bono work and regularly works with the Program in advertising and encouraging pro bono work in the community. At various times throughout the year the local bar asks the Program to partake in community event fairs and other outreach events to its attorneys to better educate the legal community on the pro bono work available. Further, the Foundation arm of the local bar funds two projects at the Program. These projects include the East County Civil Legal Clinic and the Homeless Clinic at St. Vincent De Paul. Additionally, the local bar has a liaison that is part of the LASSD board to help facilitate collaboration between the organizations.

3. Seek Support from State Access to Justice Entities

The California Access to Justice Commission has been active in encouraging more pro bono work and recently created an in-depth report detailing the dire need of low-income individuals in California and the lack of attorneys and monetary support legal service providers receive in order to assist all of those in need.

The Access to Justice Commission is working on encouraging more pro bono and making more of a statewide effort to close the "justice gap". This Commission has been helpful in encouraging more funding to be distributed, specifically for the Program, in creating more funding for the court self-help legal clinics.

4. Partner with Community Organizations

As detailed throughout, the Program partners extensively with various community organizations and due to its strong reputation and over 75 years of legal experience in the community, continues to increase its partnerships in order to effectively assist more members of the community. Some of these partnerships include: San Diego County Bar Association, San Diego County Superior court, Pan Asian Lawyers Association, Filipino Lawyers Association, Earl B Gilliam Association, La Raza Lawyers Association and St. Vincent DePaul.

5. Integrate Technology

The Program has a web page on the main LASSD website devoted to recruiting volunteers and describing the various volunteer opportunities available. This site is continuously in development, in order to be more effective in increasing the quantity and quality of volunteers. Further, California has created a probono.net website, wherein the Program can list its volunteer opportunities and needs in order to better reach more attorneys. As technology continues to evolve, and the Program expands, better and increased use of it will be the strongest factor and recruitment tool for pro bono involvement.

6. Recognition

The Program does an excellent job of recognizing its volunteers, both attorneys and non attorneys. First, on a large scale, a yearly awards luncheon is hosted at the San Diego County Bar Association, wherein all volunteers putting in time on individual cases, clinical work, research, writing, etc. are publicly recognized with either the Wiley Manuel Award and/or the Outstanding Service Award. Both awards are based on the number of hours donated by each volunteer. Further, various law firms, law schools and minority bars are given awards based on their assistance during the year through their members in volunteering for our clients.

Second, throughout the year, volunteers are regularly awarded for both national and state public interest awards in order to bring to the public's attention the outstanding work the volunteers in San Diego County do for the community, more specifically, the Program.